

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 21, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARREN DEVINS BIRDEN,

Defendant.

No. 4:22-CR-06024-SAB

**ORDER DISMISSING
INDICTMENT**

****U.S. MARSHALS SERVICE
ACTION REQUIRED****

Before the Court is the Government's Motion to Dismiss with Prejudice, ECF No. 41. The Government is represented by Stephanie Van Marter. Defendant is represented by Jennifer Barnes and Paul Shelton. The motion was heard without oral argument.

The Government asks to dismiss the Indictment filed on May 17, 2022 with prejudice. In its Motion, the Government states that, "[u]pon review of the statements that were made, the United States does not believe the statements reflect the usual level of professionalism of the law enforcement departments involved and they create concern sufficient to compel the United States to present the instant motion." The Government goes on to say, "Although these statements do not directly impact the probable cause

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS; DENYING
PLAINTIFF'S MOTION FOR SANCTIONS # 1**

1 developed...they reflect a level of unprofessionalism that casts a shadow over the
2 initial stages of the investigation.” *Id.* at 3.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The Government’s Motion to Dismiss, ECF No. 41, is **GRANTED**.

5 2. The Indictment in the above-captioned matter is **DISMISSED with**
6 **prejudice**.

7 3. The trial date and any pending pretrial motions and deadlines are
8 **STRICKEN**.

9 4. Defendant shall be **RELEASED** from custody forthwith.

10 **IT IS SO ORDERED.** The Clerk of Court is hereby directed to file this
11 Order, provide copies to counsel and the U.S. Marshals Service, and **close the file**.

12 **DATED** this 21st day of November 2022.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

18 Stanley A. Bastian
19 Chief United States District Judge
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